



**In the United States Patent & Trademark Office**

App. No. :10/828,520  
Applicant :Fell *et. al.*  
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Examiner :Bowers, Nathan Andrew

Docket No. :**ARL 04-06 Fell**  
Customer No. :21364  
**Confirmation № :4315**

Commissioner for Patents  
P.O. Box 1450  
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**DECLARATION IN SUPPORT OF RESPONSE TO OA OF 08/08/2006**

Dr. Nicholas Francis Fell Jr. having been advised of the penalty for perjury declares as follows:

1. I have been employed as a research scientist in the Sensors & Electronic Devices Directorate (SEDD) of the Army Research Laboratory, Adelphi Maryland Campus since 2000.
2. Currently, I am chief of the Optics Branch of SEDD and I am serving as Acting Deputy Director of SEDD.
3. I earned a BS in Chemistry from the Stevens Institute of Technology in 1985 and a Ph.D. in Chemistry from the University of Illinois, Urbana-Champaign in 1993. My thesis was on "Optical Methods for Characterization of Diffusion Process in Micrometer-Thick Polymer Films". I am considered to have expertise in optical spectroscopy (fluorescence, Raman, UV-Visible-IR absorption), analytic chemistry, optics and lasers.
4. I am a co-inventor of the above identified patent application.
5. I have read and understand US Patent 6,599,715 issued to Vanderberg *et. al.*
6. When we first made the invention of the above identified application, we addressed the issue of sensitivity. Data was collected on the system illustrated below that operates in the same manner as the currently claimed system. The data was collected on Jan 17, 2002. The system shows a sensitivity in the >10 CFU/ml (or spores/ml) range.